



**ORDINANCE NUMBER 2859**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS BY GRANTING A SPECIFIC USE PERMIT TO ALLOW COLLOCATION OF THREE ADDITIONAL CELLULAR ANTENNA PANELS TO BE MOUNTED AT A HEIGHT OF 67 FEET ON THE EXISTING MONOPOLE TOWER AND THE ADDITION OF TWO ASSOCIATED EQUIPMENT CABINETS AT THE BASE OF THE MONOPOLE TOWER LOCATED ON AN APPROXIMATELY 1.03-ACRE TRACT AT 14400 JOSEY LANE, WITHIN THE LOCAL RETAIL-2 ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and



WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter and Code of Ordinances of the City of Farmers Branch, and State law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Farmers Branch is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated herein above are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow collocation of three additional cellular antenna panels to be mounted at a height of 67 feet on the existing 108-foot tall monopole tower within the existing tower lease area (Exhibit "A") and the addition of two associated equipment cabinets at the base of the monopole tower within a 90 square-foot lease area (Exhibit "B") located on an approximately 1.03 acre tract at 14400 Josey Lane (Exhibit "C") within the Local Retail-2 zoning district.

SECTION 3. That the above described property shall be used only in the manner and for the purpose provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch as herein amended by the granting of a Specific Use Permit for collocation of three additional cellular antenna panels to be mounted at a height of 67 feet on the existing 108-foot tall monopole and the addition of two associated equipment cabinets at the base of the monopole tower within a 90 square-foot lease area, situated in accordance with the lease areas (Exhibit "A" and Exhibit "B") and the approved site plan attached as Exhibit "D" and subject to the following condition:

1. The owners of the existing monopole, attached antenna systems, equipment cabinets, and all associated appurtenances, at such time that any of those items become obsolete and/or abandoned, shall remove said items within ninety days of receipt of written notice from the City.

SECTION 4. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

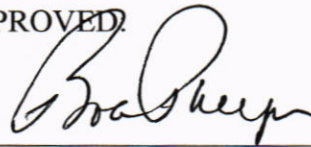
SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, and upon conviction shall be punished by a fine not to exceed the sum of two thousand (\$2,000.00) dollars for each offense.

SECTION 6. In addition to, and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7. This ordinance shall take effect immediately from and after its passage, as the law in such case provides.

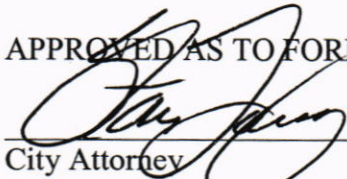
Duly passed by the City Council of the City of Farmers Branch, Texas, on this the 1<sup>st</sup> day of May, 2006.

APPROVED:



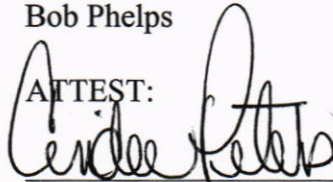
Mayor  
Bob Phelps

APPROVED AS TO FORM:



City Attorney  
(Reviewed by Atty. S. Lowry, 04/11/06)

ATTEST:



City Secretary  
Cindee Peters



Exhibit "A" (Tower Lease Area, Page 1 of 1)

Lying and situated in the City of Farmers Branch, Dallas County, Texas, the John Nix Survey, Abstract No. 1088, and being part of that certain tract of land described as "1.03 acres" in a deed to Texas Power & Light Co. recorded in Volume 367, Page 472, Deed Records Dallas County, Texas, and being more particularly described as follows;

COMMENCING at the intersection of the north right of way line of Hollendale Road ( 50 feet wide ) and the east right of way line of Josey Lane ( 100 feet wide ) from which a 5/8 inch iron rod found bears S 89°57'15" E 623.86 feet;

THENCE S 89°57'15" E along the north line of Hollendale Road 195.97 feet,  
THENCE N 00°14'25" E 43.07 feet to the POINT of BEGINNING;

THENCE N 00°14'25" E a distance of 14.00 feet;  
THENCE S 89°45'35" E a distance of 20.00 feet;  
THENCE S 00°14'25" W a distance of 14.00 feet;  
THENCE N 89°45'35" W a distance of 20.00 feet to the Point of Beginning and containing 280 square feet of land.

**LEASE AREA**

**BEING** a tract of land situated in the John Nix Survey, Abstract No. 1088, City of Farmers Branch, Dallas County, Texas, some being out of and a portion of that certain tract of land conveyed to Texas Power & Light Company by Warranty Deed dated July 23, 1964, and recorded in Volume 367, Page 472, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

**COMMENCING** at an chiseled "x" found in concrete at the intersection of the east right-of-way line of Josey Lane (100' right-of-way) with the north right-of-way line of Hollendale Lane (50' right-of-way), same being the southwest corner of said Texas Power & Light Company tract;

**THENCE** along the north line of Hollendale Lane, same being the south line of said Texas Power & Light Company tract, North 89 degrees 11 minutes 54 seconds East, a distance of 203.32 feet to a Point;

**THENCE** through the interior of said Texas Power & Light Company tract, North 00 degrees 48 minutes 06 seconds West, a distance of 43.11 feet to the **POINT OF BEGINNING** hereof;

**THENCE** continuing through the interior of Texas Power & Light Company tract the following four courses:

1. North 01 degrees 01 minutes 00 seconds West, a distance of 6.00 feet to a Point;
2. North 88 degrees 59 minutes 00 seconds East, a distance of 15.00 feet to a Point;
3. South 01 degrees 01 minutes 00 seconds East, a distance of 6.00 feet to a Point;
4. South 88 degrees 59 minutes 00 seconds West, a distance of 15.00 feet to the **POINT OF BEGINNING** hereof and containing 0.0021 acres or 90 square feet of land, more or less.

Exhibit "C" (Subject Property Legal Description, Page 1 of 1)

Being a tract of land situated in the John Nix Survey, Abstract No. 1088, City of Farmers Branch, Texas, and being more particularly described as follows:

BEGINNING at a point in the East line of Josey Lane, (a 100' R.O.W.), said point being S 01° 04' W, a distance of 300.03 feet from the southwest corner of a Wade Fyke 10.00 acre tract conveyed to the Carrollton Independent School District, and iron stake for a corner;

THENCE S 89° 39' E, leaving said Josey Lane East line and proceeding a distance of 300.00 feet to an iron stake for a corner;

THENCE S 01° 04' W, a distance of 150.00 feet to an iron stake for a corner;

THENCE N 89° 39' W, a distance of 300.00 feet to an iron stake for a corner;

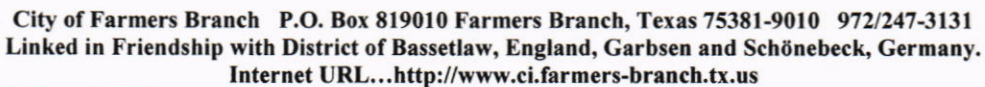
THENCE N 01° 04' E, proceeding along said Josey Lane East line and said fence line a distance of 150.00 feet to the Point of Beginning and containing 1.03 acres of land.

NOTE: THE ABOVE PROPERTY DESCRIPTION IS SHOWN SUBSTANTIALLY AS IT APPEARS IN THE DEED TO TEXAS POWER & LIGHT CO. RECORDED IN VOL. 367 PG.472 D.R.D.C.T.



City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131  
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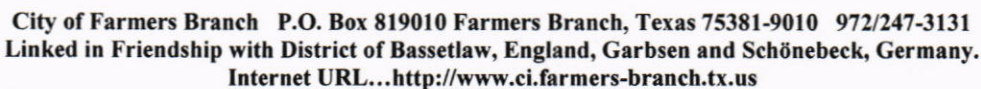
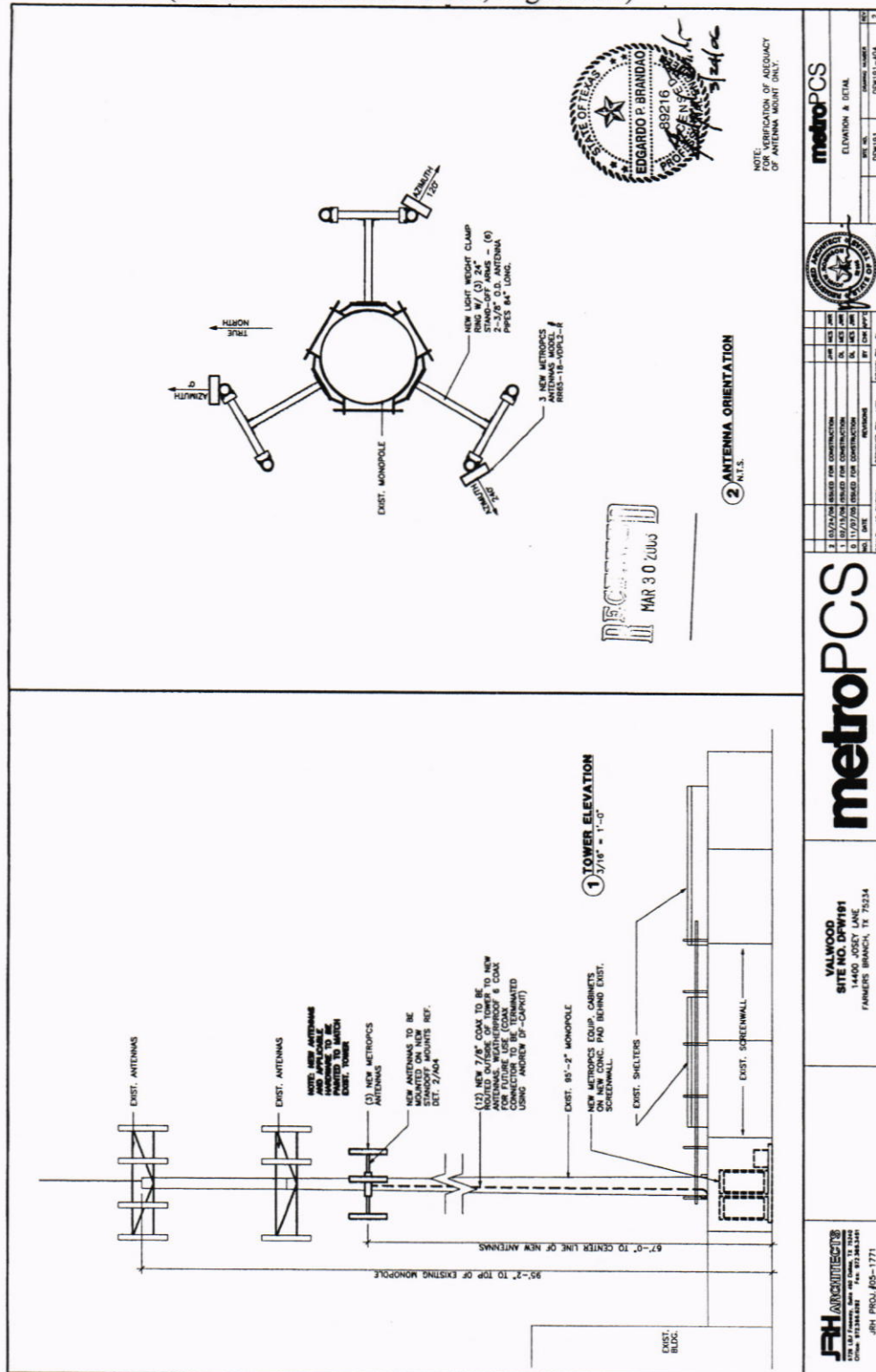




Exhibit "D"—Site Plan (Elevation and Detail Sheet, Page 5 of 6)



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